

Board of Adjustment



Minutes

City Council Chambers, Lower Level
March 8, 2011

Board Members Present:

Garrett McCray, Chair
Nicholas Labadie, Vice-Chair
Diane von Borstel
Greg Hitchens
Cameron Jones
Danette Harris

Staff Present:

Gordon Sheffield
Angelica Guevara
Mia Lozano-Helland
Lesley Davis
Wahid Alam

Board Members Absent:

Tyler Stradling - excused

Others Present:

Ralph Pew
Carl M. Taskes
Gloria Escobedo
Vince DiBella

The study session began at 4:37 p.m. The Public Hearing meeting began at 5:32 p.m. Before adjournment at 6:00 p.m., the following items were considered and recorded.

Study Session began at 4:37 p.m.

- A. Medical Marijuana – Mr. Sheffield noted that the Planning Division will begin accepting applications for medical marijuana dispensaries on Thursday, March 10, 2011.
- B. Zoning Code Update – Mr. Sheffield postponed the Telecommunications Chapter of the Zoning Code presentation to the April 12th, 2011 meeting. Mr. Sheffield updated the Board on the present status of the update and made comment on several items of the update.
- C. The items scheduled for the Board's Public Hearing were discussed.

Public Hearing 5:32 p.m.

- A. Consider Minutes from the March 8, 2011 Meeting A motion was made to approve the minutes by Boardmember von Borstel and seconded by Boardmember Jones. Vote: Passed 6-0
- B. Consent Agenda #1 A motion to approve consent agenda #1 as read was made by Boardmember Jones and seconded by Boardmember von Borstel. Vote: Passed 6-0

Consent Agenda #2 A motion to approve consent agenda #2 as read was made by Boardmember Harris and seconded by Boardmember Jones. Vote: Passed 5-0 (Boardmember Hitchens abstaining)

**Board of Adjustment Meeting
March 8, 2011**

Case No.: BA10-071

Location: 2050 West Dixon Street

Subject: Requesting a Variance to allow an existing carport to be converted into a garage encroaching into the required side yard in the R-2 PAD zoning district. (PLN2010-00345) **Continued from the February 8, 2011 meeting**

Decision: Continued to the April 12, 2011 meeting.

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember Jones, seconded by Boardmember von Borstel to continue case BA10-071 with the following conditions

Vote: Passed 6-0

* * * *

**Board of Adjustment Meeting
March 8, 2011**

Case No.: BA11-003

Location: 740 West Broadway Road

Subject: Requesting a Development Incentive Permit to allow the redevelopment of a metal recycling center in the M-2 zoning district. (PLN2010-00270) **Continued from the January 11, 2010 meeting**

Decision: Approved with conditions.

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember Harris, seconded by Boardmember Jones to approve case BA11-003 with the following conditions.

1. Compliance with the plans submitted, except as modified by the conditions below.
2. Compliance with all requirements of Z11-002 and DR11-002.
3. Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.

Vote: Passed 5-0 (Hitchens abstaining)

Findings:

- 1.1** The applicant was approved for a Development Incentive Permit (DIP) by the Board of Adjustment for modifications to perimeter building and landscape setbacks, required foundation base width around the buildings and the requirement for irregular shaped retention basins.
- 1.2** The site is located on the northeast corner of Extension and Broadway Rd. American Metals Recycling has been in the business of recycling scrap metals in this location for over 35 years.
- 1.3** American Metals recycles all types and grades of ferrous and non-ferrous metals. The project narrative stated that business activities include, but were not limited to; purchasing, segregating, processing and selling all types of ferrous and non-ferrous metals and electronic scrap components and equipment. The scrap metals are purchased from the public, commercial/industrial entities and government agencies. They also sell new steel for construction and fabrication purposes.
- 1.4** A reconfiguration of the site was required to accommodate an increased volume of business and to address potential safety issues. The revised site plan improved circulation and ingress/egress for the facility. A new 9,000 square foot storage building will be constructed on the corner of Extension and Broadway as well as a new 3,656 square foot two-story office building at the interior of the site. An existing storage building at the east side, a maintenance building and canopy will remain.
- 1.5** The applicant is installing new landscaping around the street frontages in front of a 10-foot wall constructed of recycled box car doors. Additional landscaping is being provided in the interior public parking areas.

**Board of Adjustment Meeting
March 8, 2011**

- 1.6** The applicant is placing the building and perimeter wall 10-feet from the 65-foot future width line along Broadway and providing a 30-foot setback to the building along Extension with a minimum 10' setback to the box car doors that serve as the perimeter wall along the street frontages.
- 1.7** The site design, provision of landscape throughout the site, and other improvements were supported by staff as allowable modification to the zoning standards. The improvements reflected the greatest possible degree of compliance with the zoning code.
- 1.8** In addition to the qualifying criteria for the DIP, the development is consistent with the General Plan. The applicant has also received approval of a Council Use Permit for a recycling center in the M-2 district from City Council on February 28, 2011 (Z11-002). Further, the applicant provided a degree of compliance with Code that is commensurate with or exceeds surrounding existing development. The approved deviations are necessary to accommodate the development to ensure that the site remains secure. Further, this development has been reviewed by the Design Review Board and is working with staff on the final approval to confirm that the development meets the intent of the provisions of the Design Guidelines.

**Board of Adjustment Meeting
March 8, 2011**

Case No.: BA11-004

Location: 7335 East Broadway Road

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow the expansion of an existing church in the R1-6 and R1-7 zoning districts. (PLN2010-00361) **Continued from the January 11, 2010 meeting**

Decision: Continued to the May 10, 2011 meeting.

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember Jones, seconded by Boardmember von Borstel to continue case BA11-004 with the following conditions:

Vote: Passed 6-0

**Board of Adjustment Meeting
March 8, 2011**

Case No.: BA11-007

Location: 5711 South Power Road

Subject: Requesting a modification of a Special Use Permit for a Commercial Communication Tower in the C-2 zoning district. PLN2010-00395

Decision: Case withdrawn.

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember Jones, seconded by Boardmember von Borstel to withdraw case BA11-007.

Vote: Passed 6-0

* * * *

**Board of Adjustment Meeting
March 8, 2011**

Case No.: BA11-009

Location: 25 North Extension Road

Subject: Requesting a Special Use Permit (SUP) to allow a Commercial Communication Tower in the C-3 zoning district. (PLN2010-00405) **Continued from the February 8, 2010 meeting**

Decision: Continued to the April 12, 2011 meeting.

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember Jones, seconded by Boardmember von Borstel to continue case BA11-009 to the April 12, 2011 meeting.

Vote: Passed 6-0

**Board of Adjustment Meeting
March 8, 2011**

Case No.: BA11-010

Location: 1926 South Crismon Road

Subject: Requesting a modification of a Special Use Permit for a Commercial Communication Tower in the C-2 zoning district. (PLN2010-0025)

Decision: Approved with conditions.

Summary: Jan Mitchell represented the case and explained that the project's engineer had made an error with a previous case for the same request. The previously approved setback was 128' where in actuality the tower was proposed to have a 85'-10" setback.

Boardmember Hitchens asked for the status of lot 3. Ms. Mitchell explained that the owner of lot 2 had made preliminary efforts to purchase lot 3, but later decided against the purchase. Mr. Hitchens asked if this was their A site, Ms. Mitchell replied that this was their option E candidate.

Wahid Alam provided the staff report and recommendation. He further stated that there had been no contact from the adjacent homeowners, and 300 foot notice radius had been used.

Chair McCray voiced concern regarding the 85'-11" setback. Mr. Sheffield pointed out that the applicant is providing three natural palm trees to mitigate the impact of the monopalm and minimize the lack of setback. Chair McCray confirmed that the request was re-advertised at the currently requested 85'-11" setback.

Boardmember Hitchens asked if the three natural palms could be moved closer to the monopalm for a clustering effect. Discussion ensued regarding perimeter landscaping.

Boardmember Jones had some concern with the closeness to the residences, but felt that with no concerns from the adjacent property the project is appropriate.

Boardmember Labidie also had concerns with the closeness, but also felt it was appropriate especially with Boardmember Hitchens' idea for clustering the palms.

Motion: It was moved by Boardmember Hitchens seconded by Boardmember Labadie to approve case BA11-010 with the following conditions.

- 1. Compliance with the site plan submitted except as modified by the following conditions below.*
- 2. The Commercial Communications Tower shall be a monopalm design.*
- 3. The monopalm shall have a maximum height of sixty-five feet (65') at the top of the fronds, and sixty-two feet at the top of the antennas.*
- 4. The antennas shall not exceed 8'-3" in length, 11.87" in width, and 6" in depth.*
- 5. The antenna standoff T-arm assembly shall not extend more than 18" from the pole.*
- 6. The antennas will be screened with a minimum of 65 palm fronds.*
- 7. The antennas shall be painted to match the color of the faux palm fronds.*

**Board of Adjustment Meeting
March 8, 2011**

8. *The monopalm tower or "trunk" shall be clad with a material resembling the color and texture of a natural palm tree.*
9. *Provide an 85'-10" setback along the west property line to the base of the monopalm as shown in the site plan.*
10. *The operator of the monopalm shall respond and complete all identified maintenance and repair of the facility within 30-days of receiving written notice of the problem.*
11. *The lease area and communication tower associated equipment including equipment mounted on the exterior of the shelter shall be screened by an 8' tall SUPER LITE "AUTUMN" split face CMU wall designed to match approved surrounding buildings (Lot 2 & Lot 3 per case# Z04-033).*
12. *Provide (1) 45' foot tall, one (1) 35' foot tall and one (1) 25' foot tall date palm tree to be planted in a cluster close to the proposed monopalm to provide visual buffer to the home owners and blend with the monopalm.*
13. *Compliance with all requirements of the Development Services division with regard to the issuance of building permits.*

Vote: Passed 6-0

Findings:

- 1.1 A monopalm was previously approved in January 2011 by the Board of Adjustment. That site plan showed 128 feet set back from the residential property line to the west with an approval conditioned upon providing the full 130 foot setback. After that approval, the applicant found that the site plan drawing was incorrect, and improperly dimensioned, as the location on the plan was in reality only 85 feet 10 inches. This case was brought back to the Board because the applicant was unable to comply with the 130-setback condition, without placing the tower lease site significantly in front of future planned commercial buildings. Essentially, the lease site would be in the middle of a parking lot, in front of a building.
- 1.2 The Commercial Communication Tower Guidelines recommend the use of a combination of alternative designs, and minimum setbacks from streets and adjacent residential properties to mitigate the visual impact of CCTs. Typical recommendations from staff advocate the use of stealth facilities in all zoning districts except industrial. This property is zoned C-2 and a stealth facility in the form of a faux palm tree was recommended.
- 1.3 The 65-foot high CCT will be placed on a vacant area just south of an existing daycare facility. The subject property is zoned C-2, which permits CCTs subject to the approval of a Special Use Permit (SUP). Approval of a SUP required finding the CCT compatible with and not detrimental to surrounding properties and consistent with the General Plan and other recognized plans and City Council policies, including the Commercial Communication Tower Guidelines, adopted in 1997.
- 1.4 The northwest corner of Baseline Road and Crismon Road is currently vacant and there is an approved site plan for the property (Z04-033). The vacant property consists of three parcels located south of the existing daycare facility. The subject site is Lot-2 (County Assessor's parcel # 220-81-774). The monopalm will be located in a planned landscape island situated between two future buildings. The lease area will be in-line with the front of the buildings. The monopalm will not eliminate any approved parking space or driveways.

**Board of Adjustment Meeting
March 8, 2011**

- 1.5** The monopalm will be 65-feet high. The array of the monopalm will consist of three sectors, each with three antennas, for a total of nine antennas. The antennas will measure 8'-3" L x 11.87" W x 6" D.
- 1.6** The project, identified as PHXAZ-X438-DD and dated January 25, 2011, includes the installation of a CCT and associated ground mounted equipment located within a 700 square foot lease area. The lease area will be surrounded by an eight-foot tall Split face CMU screen wall to be compatible with approved buildings in the vicinity.
- 1.7** The monopalm did not comply with the Commercial Communications Towers Guidelines in that it was only 85-feet 10-inches from the adjacent residential homes to the west, zoned R1-6, where 130-feet are required. A setback of 122-feet 2 inches from the Crismon Road right-of-way will meet the guidelines where only 65-feet were required. Moving the lease site to meet the residential 2:1 ratio setback would leave the tower location 77-feet from the street, in compliance with the 1:1 setback to height ratio from the street. However, the tower location would be significantly in front of planned commercial buildings, in the middle of a parking lot.
- 1.8** The applicant will plant three live palm trees just west of the equipment shelter outside the leased area. Initially the palms will be hand watered until the surrounding area is developed. In addition to naturalizing the appearance of the faux palm tree, the location of the 3 palm trees will help screen the faux tree design from the residential subdivision to the west.
- 1.9** The applicant notified all property owners within 300 feet of the request and no comments or concerns were received. The lone inquiry came from a property owner to the south, without any identified concerns. This lot is currently vacant and approved for construction of a bank.
- 1.10** To minimize the aesthetic impact of the faux palm, the applicant provided three live date palms to help disguise the faux palm. Given the context of the site, the use of a stealth design, and the provision of three live date palms as conditioned for approval along with future perimeter landscape along west property line and buildings to the north and south, the Commercial Communication Tower (monopalm) is compatible with and not detrimental to surrounding properties.

**Board of Adjustment Meeting
March 8, 2011**

Case No.: BA11-012

Location: 8425 East Scarlett Circle

Subject: Requesting a Special Use Permit (SUP) to allow a Commercial Communication Tower (CCT) in the R1-90 DMP zoning district. (PLN2011-00023)

Decision: Approved with conditions

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember Jones, seconded by Boardmember von Borstel to approve case BA11-012 with the following conditions:

- 1. Compliance with the site plan submitted except as modified by the conditions below.*
- 2. No additional carriers shall be permitted on either commercial communication tower.*
- 3. The operator of the monopalm shall respond and complete all identified maintenance and repair of the facility within 30-days of receiving written notice of the problem.*
- 4. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Vote: Passed 6-0

Findings:

- 1.1** The 30- and 20-foot high CCTs will be placed in the northwest corner of an existing City of Mesa water tank site located northeast of the intersection of Hawes and Thomas Roads. The subject property is zoned R1-90, and permits CCTs subject to the approval of a Special Use Permit (SUP). Approval of a SUP required finding the CCT was compatible with and not detrimental to surrounding properties and is consistent with the General Plan and other recognized plans and City Council policies, including the Commercial Communication Tower Guidelines, adopted in 1997.
- 1.2** Based on the submitted plans, identified as PH10321D and dated June 11, 2010, the CCT and associated ground mounted equipment will be located within a 600 square foot lease area. The lease area is within the water tank site and surrounded by an existing six or eight-foot tall masonry screen wall. The faux cacti, combined constitute a single two sector array.
- 1.3** Two faux cacti are necessary to allow two antennas per sector and thus sufficient wireless capacity. The CCTs design is based on a saguaro cactus with the exception of needles. Antennas and cables are housed within and fully concealed by the faux cactus exterior.
- 1.4** The applicant noted this site is necessary to provide coverage to the residents of the area, the quality stealth application, the lower height of the CCTs, and the screening of equipment as justification for the CCTs. In addition, it is important to note that many cacti exist in the vicinity of the water tank site and the CCTs will blend with the surrounding environment.

**Board of Adjustment Meeting
March 8, 2011**

- 1.5** The Commercial Communication Tower Guidelines recommend the use of alternative design to conceal CCTs, setbacks from streets, and setbacks from residential properties in an effort to mitigate the visual impact of CCTs. These CCTs will utilize an effective design that will minimize visual impact.
- 1.6** The CCTs will exceed the setback recommendations from Scarlet Avenue and from the adjacent residential properties to the north, south, and east. The 20-foot tall CCT will have a 26-foot setback from the west property line and the 30-foot CCT will also have a 26-foot setback from the west property line, where the guidelines recommend 40 feet and 60 feet, respectively.
- 1.7** Even though there is a reduction in the recommended setback from the west property line, it was noted that the use of a stealth design can mitigate the reduction. Additionally, the guidelines were developed using a typical CCT as a baseline. In this instance, the CCT heights of 30 feet and 20 feet where a standard CCT heights are 55 to 65 feet. Finally, the tallest CCT does not exceed, the maximum permitted height for residential structures in the R1-90 zoning district, 30 feet.
- 1.8** The CCTs are an allowed use in R1-90-DMP Zoning District subject to granting of a Special Use Permit. The location of the CCT exceeds the Commercial Communication Tower Guidelines recommended setback from adjacent street, but does not meet the minimum setback from residential property to the west. While use of faux cacti will be very effective in camouflaging the CCTs, such designs limit the co-location of additional wireless carriers. Given the effective stealth design, the relatively short height of the CCTs, and the context of the site, the CCT will be compatible with and not detrimental to surrounding properties.

* * * *

**Board of Adjustment Meeting
March 8, 2011**

Case No.: BA11-013

Location: 2155 South Dobson Road

Subject: Requesting a Special Use Permit to allow a Commercial Communication Tower to exceed the maximum height allowed in the PF DMP zoning district. (PLN2010-0022)

Decision: Approved with conditions.

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember Jones seconded by Boardmember von Borstel to approve case BA11-013 with conditions.

- 1. Compliance with the site plan submitted except as modified by the following conditions below.*
- 2. The installation of two live Mexican Fan Palms (Washingtonia Robusta) with a minimum height of 35' and 30' installed adjacent to the monopalm to create a grouping.*
- 3. The monopalm shall have a maximum height of sixty-five feet (65') at the top of palm fronds.*
- 4. The antennas shall not exceed 76" in length, 13" in width, and 3.75" in depth.*
- 5. The antennas will be screened with a minimum of 65 palm fronds.*
- 6. The antennas shall be painted to match the color of the palm fronds.*
- 7. The antenna standoff assembly shall not extend more than 12" from the pole.*
- 8. The operator of the monopalm shall respond to and complete all identified maintenance and repair of the facility within 30-days of receiving written notice of the problem.*
- 9. Compliance with all requirements of the Development Services Office with regard to the issuance of building permits.*

Vote: Passed 6-0

Findings:

- 1.1** The 65-foot high CCT will be placed at the southeast corner of the parking lot for the Golf Course. The subject property is zoned PF, which permits CCTs subject to the approval of a Special Use Permit (SUP). Approval of a SUP required finding the CCT was compatible with and not detrimental to surrounding properties and was consistent with the General Plan and other recognized plans and City Council policies, including the Commercial Communication Tower Guidelines, adopted in 1997.
- 1.2** The monopalm will be 65-feet high and resemble a date palm. The monopalm array consists of three sectors, each with three antennas, for a total of nine antennas. The antennas will measure 76" L x 13" W x 3.75" D, and will be adequately screened by 65 fronds.
- 1.3** The project, identified as PH30255B and dated January 12, 2011, includes the installation of a CCT and associated ground mounted equipment located within a 375 square foot lease area. The lease area is within the golf course site and surrounded by an eight-foot tall CMU

**Board of Adjustment Meeting
March 8, 2011**

block screen wall painted to match the existing walls in the vicinity. The plans provided by the applicant also indicated that 55 palm fronds will be utilized, and the antennas will be painted to match the color of the fronds. Further, faux bark cladding will be used to disguise the stealth pole, making the monopalm appear more realistic.

- 1.4** The monopalm complies with the Commercial Communications Towers Guidelines in that it is 252-feet from the right-of-way, where only 65-feet are required. In addition, the monopalm will be a minimum of 245-feet from adjacent residences, where only 130-feet are required.
- 1.5** The applicant noted: 1) this site is necessary to provide coverage to the residents and businesses in the area, 2) the stealth application, 3) the distance of the stealth facility from property lines, and 4) the screening of equipment as justification. In addition to the applicant's justification, it is important to note that while there are other palm trees on the golf course property they have been installed in groupings. Staff is recommending that there be two real palm trees installed with the monopalm, installed as a grouping, to help it blend with the surrounding environment.
- 1.6** The Commercial Communication Tower Guidelines recommend the use of alternative design to conceal CCTs, setbacks from streets, and setbacks from residential properties in an effort to mitigate the visual impact of CCTs. The CCT (with the additional live palm trees) utilizes an effective design that will minimize visual impact.
- 1.7** The CCT exceeds the setback recommendations from Dobson Road and from the adjacent residential properties to the north, east, and south.
- 1.8** CCTs are an allowed use in PF Zoning District subject to granting of a Special Use Permit. The location of the CCT exceeds the Commercial Communication Tower Guidelines recommended setback from adjacent streets and from residential properties to the north, east and south. The stealth design, with the addition of 2 live palm trees, and the context of the site, the CCT will be compatible with and not detrimental to surrounding properties.

**Board of Adjustment Meeting
March 8, 2011**

Case No.: BA11-014

Location: 454 South Pasadena

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow the addition of a dwelling unit in the R-2 zoning district. (PLN2011-00027)

Decision: Continued to the April 12, 2011 meeting.

Summary: Gloria Escobedo, 466 S. Pasadena was present for this case and asked to make comments even though the case was to be continued. Ms. Escobedo explained that her family has lived in the home since she was a child. She stated that she had serious concerns with the house becoming a multi-family residence. The present owners have improved the property and she is pleased with their work. She opposes turning the single family to a duplex. She feels that it is out of character for the neighborhood, will devalue the other properties and create an unsafe environment for her widowed mother. She further stated that the setbacks are too close to the adjacent properties.

Motion: It was moved by Boardmember Labadie, seconded by Boardmember Jones to continue case BA11-014 to the April 12, 2011 meeting.

Vote: Passed 6-0

**Board of Adjustment Meeting
March 8, 2011**

Case No.: BA11-013

Location: 2850 South Country Club Drive

Subject: Requesting a Special Use Permit to allow a Commercial Communication Tower to exceed the maximum height allowed in the C-2 DMP zoning district. (PLN2010-0034)

Decision: Approved with conditions.

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember Jones seconded by Boardmember von Borstel to approve case BA11-013 with conditions.

- 1. Compliance with the site plan submitted except as modified by the following conditions below.*
- 2. The commercial communication tower shall utilize a Faux Date Palm design with a minimum of 65 palm fronds, bark cladding to resemble the bark of a natural palm tree, and all antennas, radio heads, and other equipment near the antennas shall be painted to match the color of the palm fronds.*
- 3. The commercial communication tower shall have a maximum height of seventy feet (70') at the top of the palm canopy (65' at the top of antennas).*
- 4. The antennas shall not exceed 96" in length x 12.5" in width x 7.1" in depth.*
- 5. The 25'x23' lease area and ground mounted equipment to be screened by 6' high wrought iron fence with chain link fence swing gates.*
- 6. The operator of the monopalm shall respond to and complete all identified maintenance and repair of the facility within 30-days of receiving written notice of the problem.*
- 7. Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*

Vote: Passed 6-0

Findings:

- 1.1** This Special Use Permit (SUP) allows the placement of a 65-foot high monopalm in a self-storage development. The applicant notified all property owners within 300-feet of the site, and homeowner associations within 1000' of the site were notified. To date, no comments or concerns were received from neighbors.
- 1.2** The applicant was approved for a 65' monopalm in this same location in 2008 (ZA08-083). That monopalm was never installed and the Special Use Permit expired in 2009.
- 1.3** Submitted plans on February 7, 2011 identified this site as #PH0DES to install a Commercial Communication Tower and associated ground mounted equipment within a designated lease area. The 25' x 23' lease area is surrounded by a wrought iron fence with chain link gate. The self-storage facility is enclosed with a perimeter block wall, the wrought iron and chain link is not visible from beyond the property lines.

**Board of Adjustment Meeting
March 8, 2011**

- 1.4** The monopalm will be 65-feet high and resemble a date palm. The array of the monopalm consists of three sectors, each with two antennas, for a total of six antennas. The dimensions of the antenna are 94.6" L x 11.2" W x 5.1" D.
- 1.5** The plans indicated that 60-65 palm fronds will be utilized, and the antennas will be painted to match the color of the fronds. Staff stipulated a minimum of 65 palm fronds (see condition 2.), which is consistent with previous approvals on other sites in Mesa. Further, cladding will be used to disguise the stealth pole, making the monopalm appear more realistic.
- 1.6** There is an existing monopole on the site, disguised as a flagpole. That monopole was approved in 1999, and has an overall height of 50-feet (reference ZA99-08).
- 1.7** The monopalm complies with the Commercial Communications Towers Guidelines as it is 330-feet from the right-of-way, where only 65-feet are required. In addition, the monopalm is 283-feet from adjacent residences, where only 130-feet are required.
- 1.8** The visibility of the monopalm is minimized due to increased setbacks from the right-of-way and adjacent residences. In addition, the materials used to conceal the antennas will also minimize its visibility. As a result, the monopalm will be compatible with, and not detrimental to, adjacent properties or the neighborhood in general.

Board of Adjustment Meeting March 8, 2011

Case No.: BA11-016

Location: 307 East 1st Street

Subject: Requesting a Special Use Permit to allow outdoor activities accessory to a wedding or reception center in the TCC-HL zoning district. (PLN2011-00003)

Decision: Approved with conditions.

Summary: Vince DiBella represented the case and stated that he had no further comments.

Boardmember von Borstel commented on parking issues and asked if there were handicapped parking spaces provided. Mr. DiBella stated that all parking occurs offsite and that there were no handicapped parking spaces being provided. He further stated that many of the guests to this establishment will be arriving by limousine. He pointed out that there are approximately 60-70 parking spaces within a 5-minute walk.

Boardmember Hitchens asked about a vacant property that is adjacent on the west side. Mr. DiBella stated that there is no formal agreement between the properties. But, a letter dated 12/8/2003 from the Office of Redevelopment, was found stating that the lot has been used and continues to be used as a parking lot. He stated that there is a verbal agreement between the owners of the two lots to use the lot as a parking lot. A brief discussion ensued regarding available street parking.

Wahid Alam presented the staff report and explained the applicant's desire for a phased plan for the improvements. Mr. DiBella explained that the owner would like to construct the structure first then complete the landscape plan. Mr. Sheffield explained that staff had included a condition of approval to address the phasing.

Boardmember Hitchens asked if Mesa Drive is not to be widened soon why the wide right-of-way. Mr. Sheffield explained that the right-of-way on Mesa Drive was dedicated in the 1880s when Mesa was first founded.

Motion: It was moved by Boardmember von Borstel seconded by Boardmember Jones to approve case BA11-016 with conditions.

- 1. Compliance with the site plan and project narrative submitted, except as modified by the conditions below;*
- 2. Compliance with requirements for local landmark designation (HL98-002TC) established in 1998.*
- 3. Compliance with requirements of the Historic Preservation Committee related to the Certificate of Appropriateness/Historic Clearance approved February 24, 2011.*
- 4. Compliance with all requirements of the Planning and Zoning Board for case Z11-09.*
- 5. Removal of all on-site parking spaces that encroach into the rights-of-way for Mesa Drive and for 1st Street.*
- 6. Review and approval of a landscaping plan by the Planning Director prior to issuance of a building permit for the requested shade canopy.*

**Board of Adjustment Meeting
March 8, 2011**

7. *Review and approval of a phasing plan for installation of required improvements by the Planning Director prior to issuance of a building permit for the requested shade canopy.*
8. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*

Vote: Passed 6-0

Findings:

- 1.1 This 0.27 acre site is zoned TCC, and located at southwest corner of Mesa Drive and 1st Street.
- 1.2 The property has been used to host wedding receptions since 1995. Because of the failure of the previous owner to complete improvements required by the adopted site plan, the special use permit for outdoor activities related to the wedding reception center expired. As presently situated, the site plan with the current set of improvements was never approved. Deficiencies with the current improvements include the presence of on-site parking spaces that encroach into the Mesa Drive and 1st Street rights-of-way. In addition, the number of on-site parking spaces was not sufficient for the current reception activity.
- 1.3 It has been observed that the vacant lot west of the property is used for parking during larger weddings and receptions. The applicant has not provided a copy of any agreement with the neighboring property or any plan for shuttle parking in the event of larger receptions/weddings.
- 1.4 Outdoor wedding reception activity will be conducted (and has traditionally taken place) in the area between the primary building and the secondary structure, along the west side yard.
- 1.5 The property is located within downtown Mesa, with on-street parking available near the property. A number of spaces are available within what is considered a reasonable walking distance. There is a parking garage south of Main Street, across from the Wells Fargo bank building that provides sufficient existing parking.
- 1.6 The location is in a distinctly urban area and surrounded by mostly commercial and public facility land uses, thus the outdoor activity is compatible with and not detrimental to the surrounding properties.

**Board of Adjustment Meeting
March 8, 2011**

D. Other Business:

None

Respectfully submitted,

Gordon Sheffield, AICP
Zoning Administrator

Minutes written by Mia Lozano, Planning Assistant

G: Board of Adjustment/Minutes/2011/March 2011